



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,780	11/16/2001	John J. Daniels	14531.71.4.3	1576

47973 7590 05/09/2005

WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER

LEE, Y YOUNG

ART UNIT PAPER NUMBER

2613

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/993,780

**Applicant(s)**

DANIELS, JOHN J.

**Examiner**

Y. Lee

**Art Unit**

2613

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-8,13-15,27-30 and 37-69 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 3-8,13-15,27-30 and 37-69 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-8, 13-15, 27-30, and 37-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al (6,388,714) in view of Woo (5,485,219).

Schein et al, in Figures 1-12, discloses substantially the same interactive television system (Fig. 11) that includes a computing system PC and a recording device 36 that is configured to record television programs as specified in claims 3-8, 13-15, 27-30, and 37-69 of the present invention, the interactive television system is connectable by means of the computing system PC to a server (608-612) that is connectable to a network 606, comprising the acts of receiving at the server 608 a request from the computing system for a programming schedule that identifies one or more television programs (Fig. 2), the request being made at the computing system 602; in response to the request, the server 608 providing the programming schedule (Fig. 2) to the computing system 602; receiving at the server an identification 724 provided from the computing system 602 of one or more television programs to be recorded (e.g. Fig. 14), and the one or more television programs to be recorded having been selected from a display 310 of the programming schedule at the computing system 602 of the interactive television system from the programming schedule provided from the server 608.

With respect to claims 3-8, 13-15, 27-30, 38-69, Schein et al also discloses receiving, from the remote device 612, information representing a television signal provider 702 that is to broadcast the one or more television programs to be recorded by the interactive television system, wherein the television signal provider has been selected at the remote device 610 in response to input received at the remote device (e.g. 724); prior to the act of receiving information representing a television signal provider, the act of transmitting, to the remote device, information identifying a plurality of television signal providers (e.g. cable, commercial, etc.) that are capable of broadcasting television programs to the interactive television system; wherein the server communicates with the remote device through an internet connection with a conventional Web browser 606; the programming schedule includes a time, date and duration (e.g. Figs. 12 and 13) of the one or more television programs that are to be recorded; the programming schedule include transmission source information (e.g. cable, satellite, etc.) that enables the interactive television system to tune to one or more signals in which the one or more television programs are encoded; and the transmission source information (e.g. channel number) identifies at least one of a television broadcast channel, a cable channel, and a satellite channel through which the one or more signals is to be received by the interactive television system 2; and wherein access to the web page is accessible only after screening a user via a password (Fig. 17).

Although Schein et al discloses recording programs in response to the user selection of programs identified for recording, it is noted Schein et al differs from the

Art Unit: 2613

present invention in that it fails to particularly disclose a method for enabling the server to control the recording of one or more selected television programs by the interactive television system as specified in claims 3-8, 13-15, 27-30, and 37-69. Woo however, in Figures 8-11, teaches the concept of such well known technique that the sever 120 downloading recording instructions 490 to the interactive television system so that the recording device 190 will thereafter be set up to record the one or more selected television programs 470, and wherein the recording instructions are downloaded from the server 120 through at least one of a television signal (e.g. broadcast).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Schein et al and Woo before him/her, to exploit the well known remote control of a recording device as taught by Woo in the interactive television system of Schein et al, in order to provide the viewer with a simple, efficient, and economical option of recording desire programs remotely without programming the VCR.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 3-8, 13-15, 27-30, and 37-69 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

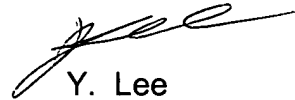
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334.

The examiner can normally be reached on (571) 272-7334.

Art Unit: 2613

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee  
Primary Examiner  
Art Unit 2613

yl